REMARKS

This application has been carefully reviewed in light of the Office Action dated September 3, 2008. Claims 1 to 3, 8, 9, 15 to 19, 24, 25, 28 to 35, 40, 41, 47 to 51, 56, 57, 60 and 61 have been cancelled without prejudice or disclaimer of subject matter. Claims 4 and 20 have been rewritten in independent form, and in addition have been amended to include the subject matter of Claim 28. Claims 36 and 52 have been rewritten in accordance with Claims 4 and 20, respectively. Thus, Claims 4 to 7, 10 to 14, 20 to 23, 26, 27, 36 to 39, 42 to 46, 52 to 55, 58, 59 and 62 are pending in the application, of which Claims 4, 20, 36 and 52 are in independent form. Reconsideration and further examination are respectfully requested.

Claims 26, 27, 58 and 59 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Specifically, page 3 of the Office Action alleged that there is insufficient antecedent basis for the term "node tables" (plural) in Claims 27 and 59, because the term "node table" (singular) is recited in Claims 26 and 58, respectively. In response, Claims 26 and 58 have been amended to recite "wherein the storage areas associated with nodes in the query lattice are stored in a plurality of node tables, and each of the storage areas associated with a node in the query lattice are stored in a node table associated with the respective query lattice node". Thus, amended Claims 26 and 58 are believed to provide antecedent basis for the term "node tables" in Claims 27 and 59. Accordingly, reconsideration and withdrawal of the rejection under § 112, second paragraph, are respectfully requested.

Claims 1 to 62 were rejected under 35 U.S.C. § 112, first paragraph, and under 35 U.S.C. § 101. These rejections are respectfully traversed.

Page 2, the Office Action states:

> "Specifically, if the application fails as a matter of fact to satisfy 35 U.S.C. § 101, then the application also fails as a matter of law to enable one of ordinary skill in the art to use the invention under 35 U.S.C. § 112."

The clear inference is that the USPTO is applying § 101 against the application, and that the application is somehow being tested for compliance with § 101. This is a mistake of law.

It is not the application that is tested for compliance with § 101; rather it is the claims that are tested for compliance.

Moreover, even if it were established that the claims do not comply with § 101, it does not automatically follow that the specification also fails to satisfy § 112. Tellingly, no case law or other authority was cited by the USPTO for this proposition, and it is believed that none can be found.

Page 4, the Office Action alleges that the claims fail to satisfy § 101 because they do not recite a "practical or tangible result". The "practical or tangible result" test has been rejected resoundingly, by the Federal Circuit in its recent en banc case of In re Bilski, in favor of a "machine-or-transformation" test.

Moreover, Applicant respectfully disagrees with the conclusion that the claims fail to show a "practical or tangible result". Previously presented Claim 28 clearly recites the practical result of identifying information to be retrieved from a database by

comparing a query lattice representing an input query with an annotation lattice associated with an information entity.

Nevertheless, and without conceding the correctness of the rejections, independent Claims 4 and 20 have been amended to include the subject matter of Claim 28, and Claims 36 and 52 have been rewritten in accordance with Claims 4 and 20, respectively. Therefore, independent claims 4, 20, 36 and 52 are each believed to recite a practical result. Accordingly, reconsideration and withdrawal of the rejections under § 112, first paragraph, and § 101 are respectfully requested.

No art-based rejections were lodged against Claims 4 and 20. Accordingly, in view of the foregoing, independent Claims 4, 20, 36 and 52, as well as the claims dependent therefrom, are believed to be in condition for allowance.

Claims 1, 3, 8, 9, 15, 16, 19, 25, 28 to 33, 35, 36, 47, 48, 51, 57, 60 and 61 were rejected under 35 U.S.C. § 102(b) over "Mandarin spoken document retrieval based on syllable lattice matching" (Wang). Claims 2, 24, 34, 40, 41 and 56 were rejected under 35 U.S.C. § 103(a) over Wang in view of "A Fast Lattice-Based Approach To Vocabulary Independent Wordspotting" (James). Claims 17, 18, 49 and 50 were rejected under 35 U.S.C. § 103(a) over Wang in view of "Phonetic Recognition For Spoken Document Retrieval" (Ng). The foregoing amendments to the claims have been made without prejudice or disclaimer of subject matter, but rather solely for the purpose of advancing the case towards an early allowance. Accordingly, the correctness of these rejections is not conceded, and they are rather respectfully traversed.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

CONCLUSION

Claim fees in the amount of $220 are believed due. However, should it be determined that additional claim fees are required under 37 C.F.R. 1.16 or 1.17, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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